

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

No. 2:21-cv-00563-JCC

**DECLARATION OF BLAKE MARKS-
DIAS IN SUPPORT OF DEFENDANT
VALVE CORPORATION'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION AND VALVE'S
MOTION TO EXCLUDE TESTIMONY
OF STEVEN SCHWARTZ, PH.D.**

FILED UNDER SEAL

Blake Marks-Dias states and declares as follows:

1. I am over 18 years of age, I have personal knowledge of the matters stated herein and I am competent to testify to these matters.

2. I am one of the attorneys representing Defendant Valve Corporation ("Valve"), and I make this Declaration in support of Valve's Opposition to Plaintiffs' Motion for Class Certification and Valve's Motion to Exclude Testimony of Steven Schwartz, Ph.D.

3. A true and correct copy of the Expert Report of Lesley Chiou, Ph.D., is attached

DECLARATION OF BLAKE MARKS-DIAS ISO DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND MOTION TO EXCLUDE – 1

CORR CRONIN LLP
1015 Second Avenue, Floor 10
Seattle, Washington 98104-1001
Tel (206) 625-8600
Fax (206) 625-0900

1 hereto as Exhibit 1.

2 4. A true and correct copy of the Expert Report of Ashley Langer, Ph.D., is attached
3 hereto as Exhibit 2.

4 5. A true and correct copy of excerpts of the Deposition Transcript of Jason Owens,
5 taken on December 5, 2023, is attached hereto as Exhibit 3.

6 6. A true and correct copy of excerpts of the Deposition Transcript of Scott Lynch,
7 taken on October 12, 2023, is attached hereto as Exhibit 4.

8 7. A true and correct copy of an email chain between [REDACTED] and [REDACTED]
9 [REDACTED], with the subject line "Hey," final email dated July 16, 2002, produced at
10 VALVE_ANT_1163411, is attached hereto as Exhibit 5.

11 8. A true and correct copy of excerpts of the Deposition Transcript of Gabe Newell,
12 taken on November 21, 2023, is attached hereto as Exhibit 6.

13 9. A true and correct copy of Gabe Newell's answers to interview questions,
14 produced at VALVE_ANT_0294661, is attached hereto as Exhibit 7.

15 10. A true and correct copy of excerpts of the Deposition Transcript of [REDACTED]
16 taken on November 27, 2023, is attached hereto as Exhibit 8.

17 11. A true and correct copy of Steam Discussion Boards produced at
18 VALVE_ANT_2325138, is attached hereto as Exhibit 9.

19 12. A true and correct copy of excerpts of the Deposition Transcript of [REDACTED],
20 taken on January 11, 2024, is attached hereto as Exhibit 10.

21 13. A true and correct copy of an [REDACTED] presentation produced at
22 VALVE_ANT_1221790, is attached hereto as Exhibit 11.

23 14. A true and correct copy of an email between Game Developer Magazine and
24 Valve, with the subject line "steam competitor," final email dated September 14, 2004,
25 produced at VALVE_ANT_2809556, is attached hereto as Exhibit 12.

1 15. A true and correct copy of an email chain between [REDACTED] and Valve,
2 with the subject line “SteamWorks CEG,” final email dated July 28, 2009, produced at
3 VALVE_ANT_0311252, is attached hereto as Exhibit 13.

4 16. A true and correct copy of excerpts of the Deposition Transcript of Steven
5 Schwartz, Ph.D., taken on April 18, 2024, is attached hereto as Exhibit 14.

6 17. A true and correct copy of an email chain between Valve and [REDACTED], with
7 the subject line “Steam,” final email dated April 5, 2006, produced at VALVE_ANT_2793689,
8 is attached hereto as Exhibit 15.

9 18. A true and correct copy of an email chain between Valve and GameSpy, with
10 the subject line “Counter-Strike.Net,” final email dated January 23, 2001, produced at
11 VALVE_ANT_2641345, is attached hereto as Exhibit 16.

12 19. A true and correct copy of a draft internal Valve email, dated August 14, 2018,
13 produced at VALVE_ANT_2533068, is attached hereto as Exhibit 17.

14 20. A true and correct copy of excerpts of the Deposition Transcript of Scott Lynch
15 as one of Valve’s 30(b)(6) representatives, taken on October 13, 2023, is attached hereto as
16 Exhibit 18.

17 21. A true and correct copy of Valve’s Supplemental Answer to Interrogatory No.
18 14, contained in Valve’s Supplemental Answers to Plaintiff’s Second Set of Interrogatories,
19 dated July 5, 2023, is attached hereto as Exhibit 19.

20 22. A true and correct copy of excerpts of the Deposition Transcript of David Rosen
21 as Wolfire Games, LLC’s 30(b)(6) representative, taken on November 30, 2023, is attached
22 hereto as Exhibit 20.

23 23. A true and correct copy of excerpts of the Deposition Transcript of DJ Powers
24 as one of Valve’s 30(b)(6) representatives, taken on September 29, 2023, is attached hereto as
25 Exhibit 21.

1 24. A true and correct copy of excerpts of the Deposition Transcript of Chris Boyd,
2 taken on November 17, 2023, is attached hereto as Exhibit 22.

3 25. A true and correct copy of excerpts of the Deposition Transcript of [REDACTED]
4 [REDACTED], taken on January 29, 2024, is attached
5 hereto as Exhibit 23.

6 26. A true and correct copy of excerpts of the Deposition Transcript of [REDACTED]
7 [REDACTED] taken on January 30, 2024, is
8 attached hereto as Exhibit 24.

9 27. A true and correct copy of Steam Discussion Boards, produced at
10 VALVE_ANT_1853845, is attached hereto as Exhibit 25.

11 28. A true and correct copy of an email chain between Epic Games Store and Valve,
12 with the subject line "Epic Games store," final email dated December 4, 2018, produced at
13 VALVE_ANT_0060429, is attached hereto as Exhibit 26.

14 29. A true and correct copy of a March 8, 2019 Steam Distribution Agreement
15 between [REDACTED] and Valve, produced at VALVE_ANT_2814367 and
16 introduced as Exhibit 98 to Kassidy Gerber's deposition, is attached hereto as Exhibit 27.

17 30. A true and correct copy of excerpts of the Deposition Transcript of Kassidy
18 Gerber, taken on October 5, 2023, is attached hereto as Exhibit 28.

19 31. A true and correct copy of excerpts of the Deposition Transcript of Thomas
20 Giardino, taken on November 2, 2023, is attached hereto as Exhibit 29.

21 32. A true and correct copy of excerpts of the Deposition Transcript of Joost
22 Rietveld, taken on April 17, 2024, is attached hereto as Exhibit 30.

23 33. A true and correct copy of excerpts of the Deposition Transcript of Ricky Uy,
24 taken on October 24, 2023, is attached hereto as Exhibit 31.

25 34. A true and correct copy of the article, Rochet and Tirole, "Platform Competition

1 in Two-Sided Markets,” *Journal of the European Economic Association*, Vol. 1, No. 4 (June
2 2003): 990-1029, is attached hereto as Exhibit 32.

3 35. A true and correct copy of excerpts of Exhibit 3 to the Deposition Transcript of
4 Joost Rietveld, taken on April 17, 2024 is attached hereto as Exhibit 33.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 DATED this 17th day of May, 2024 at Seattle, Washington.

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8 s/ Blake Marks-Dias
9 Blake Marks-Dias
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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024 I caused the foregoing document to be served
via ECF on all counsel of record.

s/ Monica Dawson
Monica Dawson